



CERTIFICATE OF MAILING

I hereby certify that the foregoing Information Disclosure Statement and the accompanying Concise Statement of Relevance of Non-English References, Additional Information, Form PTO-144 (6 Sheets), 2 Search Report, and 14 references are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Date: 3/31/05 By: Olivier Lemstra - Winkel

Attorney Docket No.: 102134-20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : PEIN, Andreas
SERIAL NO. : 10/523,294
CUSTOMER NO. : 27,388
FILED : February 3, 2005
FOR : Surgical Device for Removing Tissue Cells from a
Biological Structure
ART UNIT : TBA
EXAMINER : TBA

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO-1449.

I. Timeliness, Fees and Certifications in lieu of Fees

☒ A. This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not require a fee or a

statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

☐ B. This information disclosure statement is being filed after the period in A above, but before the mailing of either a final action or a notice of allowance. Pursuant to 37 CFR § 1.97(c), consideration of this information disclosure statement requires a fee or a statement under 37 CFR § 1.97(e):

☐ 1. The Assistant Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(p) to Deposit Account No. 14-1263.

☐ 2. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☐ 3. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

☐ C. This information disclosure statement is being filed after the period specified in B above, but on or before the payment of the issue fee. Pursuant to 37 CFR § 1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Assistant Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

☐ 1. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☒ 2. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

II. Copies of Listed References

☒ A. Copies of all references listed on the attached Form PTO-1449 are being supplied.

Copies of U.S. patents are not included pursuant to Pre-OG Notice dated July 11, 2003.

☐ B. Copies of all references listed on the attached Form PTO-1449 have already been supplied during the prosecution of prior application Serial No. ____, filed ____, from which the present application claims priority pursuant to 35 USC § 120. Therefore, pursuant to 37 CFR § 1.98(d), copies of the references listed on the attached Form PTO-1449 are not now being supplied.

☐ C. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and PCT/DO/EO/903 indicates that both the international search report and the copies of the references listed on the attached Form PTO-1449 are in this national stage file. Therefore, copies of the references listed on the attached Form PTO-1449 are not now being supplied.

III. Concise Statement of Relevance

- ☒ A. All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.
- ☐ B. A concise statement of the relevance of all references listed on the attached Form PTO-1449 that are *not in the English language*, is being provided on a separate sheet.
- ☐ C. All references listed on the attached Form PTO-1449 were cited in the search report issued by the _____ Patent Office, and an English-language version of that search report, which indicates the degree of relevance found by that Patent Office, is attached.
- ☒ D. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and a copy of that search report, which indicates the degree of relevance found by the International Search Authority, is attached.
- ☐ E. All listed on the attached Form PTO 1449 were cited during the prosecution of the prior application indicated above under II.B.

IV. Additional Information

- ☐ A. In addition to the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the following abandoned or co-pending U.S. patent applications:

[Pursuant to 37 CFR § 1.98(a)(2)(iii), copies of these applications are not being submitted.]

- ☐ B. In addition of the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the information provided on the

attached sheet.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By Christa Hildebrand

Christa Hildebrand

Reg. No. 34,953

Attorney for Applicant(s)

875 Third Avenue

18th Floor

New York, New York 10022

(212) 808-0700

LIST OF PATENTS AND PUBLICATIONS APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Form PTO 1449)				Attorney Docket: 102134-20		Serial No.: To be assigned	
				Applicant: PEIN, Andreas		Examiner: To be assigned	
				Filing Date: Feb. 3, 2005		Group: To be assigned	
U.S. PATENT DOCUMENTS							
Examiner's Initial	Document Number	Date	Name	Class	Sub Class	Filing Date If appropriate	
AA	US2003167053	Sep. 4, 2003	Ahmmad Ziah TAUFIG			May 30, 2001	
AB	US5,968,008	Oct. 19, 1999	Gunter A. GRAMS			Aug. 4, 1997	
AC	US5,807,313	Sep. 15, 1998	Michael DELK et al			Jul. 19, 1996	
AD	US5,766,194	Jun. 16, 1998	Sidney Paul SMITH			Dec. 23, 1996	
AE	US5,336,170	Aug. 9, 1994	Tomas A. SALERNO			Jul. 29, 1992	
AF	US4,941,872	Jul. 17, 1990	Augustus FELIX et al			Jan. 22, 1985	
AG	US5,135,482	Aug. 4, 1992	Arnold NERACHER			Jun. 8, 1989	
AH	US5254106	Oct. 19, 1993	Fred FASTER			Apr. 17, 1992	
FOREIGN PATENT DOCUMENTS							
	Document Number	Date	Country	Class	Sub Class	Translation Yes No	
AI	WO98/06446	February 19, 1998	World			X	
AJ	WO99/22656	May 14, 1999	World			X	
AK	EP0 331 313	Sep. 6, 1989	Europe			X	
AL	DE100 33 278 A 1	Jan. 24, 2002	Germany			X ALSO PUBLISHED AS US2004092987	
AM	WO0191827	Dec. 6, 2001	World			X ALSO PUBLISHED AS US2003167053	
AN	EP 657 150	Jun. 14, 1995	Europe			IN ENGLISH	
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
AD							
AE							
EXAMINER: /Melissa Ryckman/ (02/26/2010)				DATE CONSIDERED:			
<ul style="list-style-type: none"> EXAMINER: Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant. 							